



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 7767-99

10 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 21 April 1971 for two years at age 17. The record reflects that you served without incident until 9 May 1971 when you received nonjudicial punishment (NJP) in recruit training for disobedience of a lawful order. Punishment imposed was a suspended five days of correctional custody.

You received a general discharge on 19 May 1971 by reason of unsuitability due to apathy, defective attitude, or inability to expend effort constructively. The facts and circumstances surrounding this discharge are not on file in the record.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, low test scores, and the fact that it has been nearly 29 years since you were discharged. The Board concluded that the foregoing factors were insufficient to warrant recharacterization given your NJP in recruit training. The Board

noted that NJP is rarely imposed in recruit training. The Board further noted that subsequent to your discharge, individuals with under 180 days of active service no longer receive a characterized honorable or general discharge, but an uncharacterized entry level separation. Absent evidence to the contrary, a presumption exists that the actions of the Marine Corps to discharge you were appropriate and proper. The Board thus concluded that no change in the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director